

**U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250**

**DEPARTMENTAL REGULATION**

**Number: 4080-811-2**

**SUBJECT:**  
Teleworking Programs

**DATE:** September 11, 2002

**OPI:** Office of Human Resources Management

**1 PURPOSE**

This regulation sets forth the authority, policy, and responsibilities for managing Teleworking programs within the United States Department of Agriculture (USDA).

**2 POLICY**

- a USDA supports programs that improve air quality, reduce traffic congestion, reduce the cost of office space, and assist employees in managing their work and family life. Teleworking can have a positive impact in all these areas.
- b Employees, to include managers and supervisors, who perform duties that are suitable for teleworking and meet other established eligibility requirements must be afforded the opportunity to telework.
- c Employees may be approved both to telework and to work an alternative work schedule. Telework may be approved on a regular and reoccurring basis for a minimum of one day a pay period to a maximum of three days a week. Exceptions for longer periods of time may be appropriate based on reasonable accommodations for disabled employees and for addressing short-term agency or employee needs.
- d Teleworking should be considered in providing reasonable accommodation for disabled employees and for addressing short-term agency or employee needs. Short-term uses could include allowing an employee to telework while the employee recovers from a minor injury affecting his/her mobility, or while working on a special work-related project with identifiable time frames and deliverables. In addition, teleworking may be considered for an emergency situation that involves safety concerns at the agency office. As a result, employees may be required to work temporarily at alternative worksites.

**3 CANCELLATION**

Departmental Regulation 4060-3 – Teleworking Programs dated January 2, 2002.

## 4 DEFINITIONS

- a Official duty Station. Consistent with current law, regulations, and Office of Personnel Management (OPM) guidance, the *official duty station* is the city or town, county, and State in which the employee normally works. For most employees, this will be the location of the employee's *worksite*, i.e., the place where the employee normally works, or at which the employee's activities are based, as determined by the supervisor. For example, an employee's official duty station would continue to be the agency office from which he or she teleworks as long as the employee regularly commutes into the agency office **at least once a week**. However, if the employee does not regularly commute into the agency office, his or her official duty station would be changed to the alternative worksite from which the employee performs his or her duties.

Exceptions for short-term situations. There may be unusual situations in which an agency should not change an employee's official duty station even though the employee rarely commutes to the agency office (e.g., in the case of an employee who works **temporarily** from home while recovering from an injury or employees who are required to work **temporarily** at alternative worksites in emergency situations).

- b Telecenter. A General Services Administration (GSA), USDA, or other approved facility established by state, local, or county governments or private sector organizations for use by teleworkers. Payment for use of GSA telecenters is made annually using GSA's "Telecommuting Facility Reimbursement Information Sheet".
- c Teleworker. An employee who works at an alternative work location (i.e., home, telecenter, or other satellite work location) either on a regular and reoccurring schedule for a minimum of one day a pay period or on a temporary basis in those situations identified under 2d and with a written agreement.
- d Teleworking. (Also known as flexiplace, flexible workplace, and telecommuting). Performance of official duties at an alternative work site (i.e. home, telecenter, or other satellite work location).
- e Telework agreement. A written agreement, completed and signed by an employee and appropriate official(s) in his or her mission area/agency/staff office that outlines the terms and conditions of the telework arrangement (examples of agreements may be obtained at <http://www.telework.gov>).

## **5 AUTHORITIES**

- a Memorandum for the Heads of Executive Department and Agencies; Subject: Expanding Family-Friendly Work Arrangements in the Executive Branch dated July 11, 1994.
- b Public Law Number 104-52, Treasury, Postal Service, and General Government Appropriations Act of 1996.
- c Public Law Number 106-346, Section 359, Department of Transportation Appropriations Act of 2001.
- d OPM Guide to Processing Personnel Actions, Chapter 23.
- e OPM Memorandum to Executive Heads of Agencies, subject: Establishing Telecommuting Policy dated February 9, 2001.

## **6 RESPONSIBILITIES**

- a The Assistant Secretary for Administration (ASA) will: Advise the Secretary of Agriculture, mission areas/agency heads, and staff office directors in the development and implementation of policies, programs, and oversight of the teleworking program.
- b The Director, Office of Human Resources Management (OHRM) will:
  - (1) Advise the ASA in planning, developing, and implementing policies, programs, and systems to manage teleworking programs; and,
  - (2) Provide and interpret USDA policies and standards for teleworking programs.
- c The Director, Safety, Health and Employee Welfare Division (SHEWD) will:
  - (1) Provide oversight of teleworking programs; and,
  - (2) Provide agency officials with technical assistance and consultative services for complex teleworking issues.

d The Mission Areas/Agency Heads/Staff Office Directors will:

- (1) Designate a Teleworking Program Coordinator to coordinate the program with both external sources and internal USDA offices;
- (2) Administer a teleworking program in accordance with applicable public law, guidelines, and this regulation. The program shall establish supervisory and employee responsibilities and require written agreements documenting teleworking arrangements (refer to 6(1)). Samples of telework agreements approved by OPM and GSA are available at <http://www.telework.gov>; and,
- (3) Report the following information annually, on a Fiscal Year basis to the Director, OHRM, by October 31<sup>st</sup> of each year.
  - (a) total number of employees in mission area/agency/staff office;
  - (b) total number of employees participating in teleworking (based on teleworker definition above);
  - (c) statistical data pertaining to program participants with respect to race, sex, national origin, and disability; and,
  - (d) percentage of increases or decreases in teleworkers since the last report.
- (4) Maintain documentation for all teleworking program participants; and,
- (5) Ensure any labor-management relations obligations are fulfilled prior to implementing a teleworking program.

## **7 PROGRAM ADMINISTRATION**

a Telework Arrangements

- (1) Participation in a telework arrangement is not an employee entitlement. An employee may participate in the program if the responsible supervisor or designee decides that the employee's job duties are suitable for offsite work.

- (2) The telework arrangement under which an employee will perform work must be clearly set forth in a written agreement and signed by the respective supervisor and employee. The agreement must at a minimum address the location and requirements of the alternative worksite, telework schedule, security of official information, protection of Government-furnished equipment, applicable standards of conduct, liability and injury compensation, work performance, right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements, and government access to the alternative worksite.
- (3) A telework arrangement does not alter the terms and conditions of the appointment. However, an employee's official duty station may change if he or she does not regularly commute into the agency office. See definition of *official duty station* in 4a above. All pay, leave, and travel entitlements must be based on the employee's official duty station. The telework arrangement must not affect other conditions of employment (e.g., hours of work) unless otherwise specified in the telework agreement.
- (4) Upon appropriate notice the manager or designee, has the right to inspect the home or alternate worksite and equipment to be used by an employee to ensure that proposed work space is safe, and all equipment is adequately installed and performing properly.
- (5) The telework arrangement may be terminated by either management or by the employee. Advance written notification of termination of the teleworking relationship must be provided except in emergency situations. An employee's teleworking arrangement may be terminated if performance or productivity declines, or if the arrangement no longer benefits the organization's needs. Mission areas/agencies/staff offices may establish specific termination provisions, as they deem necessary, for their operations.
- (6) The telework arrangement shall be for the performance of official duties and shall not be treated as an opportunity to conduct personal business.
- (7) Telework may not be used to replace appropriate arrangements for dependent care. However, this does not preclude a teleworker from having a caregiver working in the home while he/she teleworks.
- (8) Management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements.

b Determining Eligibility:

- (1) Positions eligible for telework are those involving tasks and work activities that are portable, do not depend on the employee being at the traditional worksite, and are conducive to supervisory oversight at the alternative worksite.
- (2) Tasks and work activities generally suited for telework include, but are not limited to thinking and writing; policy development; research; analysis (e.g., investigating, program analysis, policy analysis, and financial analysis); report writing; telephone-intensive tasks (excluding receptionist duties); computer-oriented tasks (e.g., programming, data entry, word processing, web page design); or data processing.
- (3) Positions not generally eligible for telework are those positions involving tasks that are not suitable to be performed away from traditional worksite, including tasks that:
  - (a) Require the employee to have daily face-to-face contact with the supervisor, colleagues, clients, or the general public in order to perform his or her job effectively, which cannot otherwise be achieved via e-mail, telephone, fax or similar electronic means;
  - (b) Require daily access to classified information; or
  - (c) Are part of trainee or entry-level positions.
- (4) An employee suitable for telework is an employee whose demonstrated personal characteristics are well suited to telework, as determined by the supervisor, including as a minimum:
  - (a) Demonstrated dependability and the ability to handle responsibility;
  - (b) A proven record of high personal motivation;
  - (c) The ability to prioritize work effectively and utilize good time management skills; and,
  - (d) A proven or expected minimum performance rating of “fully successful” or equivalent.

Probationary status employees generally would not be eligible for telework because probationary status periods are established to allow supervisors an opportunity to personally observe and evaluate employee performance.

## **8 INQUIRIES**

Direct all inquiries to the Office of Human Resources Management; Safety, Health and Employee Welfare Division; Room 3027 South Building, Washington, D.C. 20250; telephone number (202) 720-8248.

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